

Town Council Meeting: 12 January 2009



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Regular Meeting of Town Council
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

MINUTES

Meeting Call to Order: Mayor Keller called the meeting to order at 8:05 PM. Present were Councilmembers, Hansen, Irons, Mandel, and Wegner. Also present was Administrator Pratt, Nancy Schwartz for the *Bugle*, and a number of residents.

Approval of Agenda: Mayor Keller asked that the introduction of Ordinance 2009-01 be removed from the agenda and that a brief executive session be added at the close of the regular meeting. Councilmember Wegner **MOVED**

That the revised agenda be adopted. Councilmember Irons seconded the motion, which **PASSED** unanimously.

Presentations by Residents:

- Tara Flynn, Co-President of the Garrett Park Cooperative Nursery School (GPCNS) addressed the Mayor and Council regarding the proposal of a land swap between the Town and Montgomery County Parks Department (Parks Department). Ms. Flynn reported that the Parks Department is considering submitting a proposal to the Town to exchange the Garrett Park Community Center that now houses the GPCES and its associated land for the Town's portion of Garrett-Waverly Park, consistent with the discussions held in November, but is running behind due to being short-staffed, and that John Hench from the Parks Department is prepared to come to any meeting the Town wishes to set up to discuss this matter. Ms. Flynn further reported that the Parks Department has no plans to change the status of Garrett-Waverly Park from a local park to a neighborhood park.
- Mike Henley spoke to the Council about problems related to obtaining a demolition permit for his home at 11009 Kenilworth Avenue, which had suffered fire damage in June 2008. Mayor Keller stated that the Town would work with him in every way possible, but that the Garrett Park Code of Ordinances clearly required that he replat the lots on which the house was located into a single lot, even if he planned to rebuild on the existing foundation, and that no building permit for the new house could be issued unless the replatting had taken place. The Mayor urged Mr. Henley to get the replatting/permitting process under way as soon as possible.
- The following residents addressed the Mayor and Council concerning the ongoing lawsuit: George Martin, Peter Cohen, Peter Kratz, Elaine Martin,

Stephen Hauser, Warren Kornberg, Raymond McKenzie, Bruce Artim, and Jean Horan.

- Peter Cohen inquired about the role of the Land Use Task Force. Mayor Keller stated that the Task Force would review the Town's current laws regarding land use and open space, work to assess the various opinions of Town residents, and make detailed recommendations for action on the part of the Council regarding the Town's Code of Ordinances and related regulations.
- Pam Morgan noted that originally the reason for adopting the existing ordinance was to support the establishment of the Montgomery County Garrett Park Overlay District as part of the County's Master Plan, and that the Town ordinance was to be an interim law. Ms. Morgan stated that her main concern was the enforcement of unwritten rules.
- Mario Grande reminded everyone that the Annual Town Dinner was on Saturday, 31 January and that residents wishing to attend needed to contact him.
- Henri Keller noted that the Film Society would be setting up its large screen so that residents could come to the Town Hall and view the inauguration of President-Elect Obama on Tuesday, 20 January.

Mayor's Report:

- Mayor Keller thanked resident Kay Hager for bringing to everyone's attention an important change in how homeowners qualify for the Homestead Tax Credit. The Mayor noted that while previously the Homestead Tax Credit had been automatically renewed at each reassessment of a property, this year the actual filing of a form certifying eligibility for the credit is required in order to keep the credit. As most residents had recently received new notices of assessment from the State Department of Assessments and Taxation, they should immediately fill out and file the required form, or take advantage of the ability to do so online. He noted that if any resident had questions they could contact the Town Office.

Councilmember's Reports on Areas of Responsibility:

- Councilmember Irons reported the Historic Preservation Committee (HPC) Chair Nancy Schwartz had completed the HPC's Historic Walking Tour Brochure, partially funded by a \$750 grant from the Montgomery County Historic Preservation Trust, that copies were available at the Town Office, and that the HPC would be setting up tours in late March. Councilmember Irons also reported that HPC member Andy Seferlis had agreed to present an illustrated lecture on sculpture in Washington, DC and a time and date would be announced. [Subsequently set for February 11, at 8 p.m. at Town Hall.]
- Councilmember Hansen reported that the Arboretum's annual winter removals program was under way, that David Gregg's Tree Service was this year's contractor, and that firewood length pieces of wood from the removed trees would be left for residents to use.

Approval of Minutes:

- Councilmember Irons noted a minor correction and **MOVED**

That the minutes of the 12/08/2008 Regular Council Meeting be approved as corrected. Councilmember Wegner seconded the motion, which **PASSED** unanimously.

Action/Discussion:

- Ordinance 2008-05 Repeal Referendum Date – Mayor Keller asked if the Council wished to set a date for the referendum on Ordinance 2008-05. Councilmember Wegner **MOVED**

That the referendum on Ordinance 2008-05 be held on Monday 02 February 2009. Councilmember Mandel seconded the motion and asked why this date had been selected. Councilmember Wegner replied that Monday is the Town's traditional day of the week for elections and February 2 is the last Monday prior to the date on which the Town might have to decide whether to appeal the judge's recent ruling in *Martin v. Garrett Park*, which declared the Town's current combined minimum setback rule invalid; the referendum would determine whether the combined minimum setback would be replaced by a permissible rule on lot coverage; and that the date also allows enough time for the Garrett Park Citizens Association to hold an informational meeting on the ordinance and the referendum.

The following residents addressed the Mayor and Council concerning the referendum on Ordinance 2008-05: Nan McKenzie, Peter Benjamin, Peter Cohen, Todd Harris, Mairi Morrison, Peter Kratz, George Martin, and Bruce Artim. Among other points, Mr. Benjamin stated that he hoped the Council would follow the will of the people and if the ordinance was defeated the judge's order would not be appealed and if the ordinance was sustained there would no longer be a need for an appeal. Mayor Keller explained that the matter of combined minimum setback was only one element in the suit, that there were three more counts yet to be resolved, so that no matter what happened with the referendum the Town still faced considerable legal action. There was extended discussion regarding the timing of the referendum. Councilmember Mandel and Councilmember Wegner **WITHDREW** their second and motion respectively, and no further action was taken on the matter.

- Discussion and Adoption of Guidelines for Land Use Task Force / Appointment of Task Force members – Mayor Keller asked Councilmember Irons to discuss the Land Use Task Force Guidelines out of order as it would provide continuity with the previous discussion. Councilmember Irons reviewed the proposed Guidelines; she noted that numerous residents had expressed interest in the Task Force and that Gene Brantly had agreed to serve as Chair. Councilmember Irons **MOVED**

That the Council adopt the draft guidelines for the Task Force and appoint to the Task Force the residents who volunteered to serve. The motion was seconded by Councilmember Wegner and **PASSED** unanimously. (A copy of the guidelines and list of volunteers is attached to

these minutes)

- Adoption of Ordinance 2008-08: Amending the FY 2009 Budget - Mayor Keller asked the Council if there were further questions regarding the modifications to the FY 2009 budget that had been introduced at the December meeting. After a brief discussion Councilmember Wegner **MOVED**

That Ordinance 2008-08 be adopted as introduced. The motion was seconded by Councilmember Irons and was **PASSED** unanimously. (A copy of the adopted ordinance is attached to these minutes)

Town Administrator Report:

- Monthly Financial Report - Administrator Pratt reviewed the monthly financial report with the Council

Executive Session: Mayor Keller asked that the Council to go into executive session after the adjournment of the regular meeting. Councilmember Mandel **MOVED**

That the Council go into executive session after the close of the regular meeting under the authority of the Annotated Code of Maryland, State Government Article: Section 10-508 (a). The motion was seconded by Councilmember Wegner and was **PASSED** unanimously. (A copy of the closed meeting form is attached to these minutes)

Adjournment: The meeting adjourned at 10:15 PM

Respectfully submitted,

[TOWN SEAL]

Edwin Pratt, Jr.

Edwin Pratt, Jr., Clerk-Treasurer

Adopted 1/12/09
Charge for Garrett Park Land Use Task Force

For consideration by the Town Council at the January 12, 2009 Council meeting

Goals

- + Review history of land use planning and open space preservation in Garrett Park to understand historical context.
- + Provide a forum for discussing a vision for the Town's future and how it relates to land use and open space.
- + Identify why people move here. What comprises that "unique, special character" (USC) that we often hear as the reason people come?
- + Provide recommendations on how Garrett Park can maintain and preserve its USC (and the property values that differentiate GP from surrounding neighborhoods) while accommodating change.
- + Identify changes in land use within Garrett Park that can be anticipated over the next 20 years, and recommend which should be accommodated and which should not.

Issues to be Addressed

- + Should our open space law be changed?
- + In 2006, Montgomery County municipalities received new authority from the State to regulate in areas of land use such as parking, height, design and other subjects. What is the experience of other jurisdictions that are exercising the new authorities? Should Garrett Park adopt additional ordinances under the new authority?
- + Should Garrett Park adopt impervious surface and other "green" regulations?
- + How can the Town's review and regulatory processes work better?
- + What are the tools (incentives, initiatives, limits and/or restrictions) that can be used to achieve the vision for the Town's future?

Process

The GPLUTF's process must be open, inclusive and participatory.

Product

A report of Findings and Recommendations to the Town Council and Mayor

Individuals Appointed to the Task Force
01/12/2008

Name	
Last	First

Convener

Brantley Gene

Residents

Baldwin	Cal
Barrett	James
Glidden-Boyle	Lizzie
Gordon	Harry
Grefsheim	Suzanne
Hager	Kay
Harris	Todd
Ingham	Ken
Jackson	Barbara
Keating	Pat
King	John
Kratz	Cindy
Kratz	Peter
McKenzie	Nan
Morgan	Pam
Pope	Kevin
Reinhardt	Bob
Retherford	Laura
Schulp	Phil
Schwartz	Nancy
Shelton	Natalie
Twedt	Thomas

Ex Officio

Keller	Chris
Irons	Beth

Staff Support

Pratt	Ted
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Town of Garrett Park

**Amending
FY 2009 Operating & Capital Budgets**

Ordinance 2008-08

January 12, 2009

Ordinance 2008-08 FY 2009 Budget Amendment Narrative

Revenues

1000 - Taxes & Fees: Property tax collections are on track. The initial projection for FY 2009 income taxes of \$200,000 represents a 30% reduction from the \$301,137 received in FY 2008. Collections through November indicate that this is the likely end-of-year total.

2000 - Intergovernmental Revenues: The original FY 2009 \$40,000 projection for Highway User Fund receipts appears a bit pessimistic in the light of actual receipt to date and with the declining price of gasoline, so a modest increase to \$45,000 seems reasonable. When the initial FY 2009 budget was drafted, the Town had \$36,000 available to it in its Program Open Space account to apply to the Cambria Park improvements that are now nearly complete. That account has increased to \$55,750, so we have a nice increase of \$19,750. This state grant of \$55,750 is a one-time event.

3000 - Service Charges: No changes expected in these line items.

5000- Miscellaneous Revenues: A reduction in investment earnings is needed as our invested funds balance will be significantly lower than anticipated due to the cost of the lawsuit. Also, interest rates are falling, so a reduction of \$2,500 seems prudent. The modest increase in Rents and Concessions reflects a more careful analysis of the additional rents charged to Penn Place tenants to defray expenses.

Reserves & Contingencies

Operating Reserve: This amended budget reverses the original budget's transfer of \$57,000 to the Operating Reserve. This will leave the reserve's balance of \$125,000 unchanged from the end of FY 2008.

Operating Contingency: The amended budget proposes to return the Operating Contingency to its original level of \$30,000. Recent transfers had reduced it to \$10,000, which is not a reasonable amount for a budget of this size in a time of such uncertainty.

Capital Contingency: This is reduced to Zero. There are increases in the Construction: Facilities line to accommodate exterior repairs and new flooring in the street-level bathrooms at Penn Place. Also, the new carpets at the Town Hall are funded through this line. Needless to say, the Town's Capital budget has shrunk enormously from FY 2008 - partially due to the moving of the FY 2009 road rehabilitation work into FY 2008, but the impact of the Martin v. Garrett Park lawsuit forces the abandonment of the Capital Improvement Program for the foreseeable future. There is little hope for any significant capital expenditure in FY 2010.

Expenditures

10000 Personnel: A reduction of \$2,500 in the Benefits line reflects a reduced funding of the Town's self-insured "First Dollar" fund. There is currently over \$20,000 in that account, which is enough to cover any possible withdrawals through the end of the fiscal year.

11000 Town Administration: Herein lies the heart of our problem: legal fees resulting from the Martin v. Garrett Park lawsuit, a sub-line of Professional Fees, which are projected to drive that account to nearly one-quarter of a million dollars spent in FY 2008 and FY 2009, close to 25% of the total annual budget, and the

equivalent of what the Town had hoped to spend on the Capital Improvement Plan on a year-to-year average. We have spent or been billed \$147,135 in Professional Services to date, of which Legal Fees are \$136,842. Additional non-legal fees estimated until year's end are \$8,500, leaving a balance of \$68,365 in Professional Fees to cover remaining legal fees. As big as the \$106,650 increase is, it may not be enough.

12000 Sponsorships, Etc.: Reductions of \$450 in the Town's support of the Citizens Association and the elimination of support (\$300) for the County's MLK Day Committee are proposed.

13000 Buildings & Grounds: A reduction in expenditures for planting of annuals around Penn Place and Town Hall, the correction of over-estimates for electricity and gas, and the shifting of repairs to the Capital Budget yield a reduction of \$10,850 in this account.

14000 Town Services: Reductions throughout the sub lines: funding for minimal sidewalk and street repairs, cutting back to only one street sweeping, a correction of the WSSC hydrant water meter fee, and reductions in Parks maintenance and improvement expenses lead to a reduction of \$10,800 in this account.

16000 Equipment Repair & Maintenance: An increase is needed in this account - it was necessary to put a new transmission in the Chevrolet pickup. While over 20 years old, this truck continues to provide valuable service and is well worth keeping in operating condition.

17000 Publication Expenses: This is the account for the Town's website. We entered into a maintenance contract with the website's designer, and need an additional \$250.

18000 Conferences, Etc.: This line is proposed to be reduced by \$7,900 by not supporting attendance by Town officials at the 2009 MML Annual Conference in June.

19000 Operating Contingency: As indicated above, this line was reduced to \$10,000 by transfers to Professional Fees at the November Council meeting, and is restored to its original \$30,000 in this budget ordinance.

23000 Transfers to Capital: This transfer is reduced \$16,150 to \$43,850, leaving the Capital Contingency at Zero.

25000 Transfers to Operating Reserve: This transfer is reduced \$57,000 to Zero, leaving the Operating Reserve at \$125,000.

Total Expenditures: The total budget is increased by \$22,975.

Town of Garrett Park
FY 2009 OPERATING BUDGET

Account	REVENUES	FY 2009 11/11/2008	FY 2009 Ord. 2008-08	Difference	%
1000	<u>Taxes & Fees</u>	\$650,300	<u>\$649,975</u>	<u>(\$325)</u>	<u>0.0%</u>
1100	Local Property Taxes	\$435,800	\$435,800	\$0	0.0%
1200	Local Income Taxes	\$200,000	\$200,000	\$0	0.0%
1400	Licenses and Permits	\$14,500	\$14,175	(\$325)	-2.2%
2000	<u>Intergovernmental Revenues</u>	\$126,850	<u>\$151,650</u>	<u>\$24,800</u>	<u>19.6%</u>
2200	From the State of MD	\$76,000	\$100,750	\$24,750	32.6%
2220	Highway User Trust Fund	\$40,000	\$45,000	\$5,000	12.5%
2240	Program Open Space	\$36,000	\$55,750	\$19,750	54.9%
2300	From the County (Revenue Sharing, Grants)	\$50,850	\$50,900	\$50	0.1%
3000	<u>Service Charges</u>	\$142,500	<u>\$142,500</u>	<u>\$0</u>	<u>0.0%</u>
3100	General Government Charges	\$500	\$500	\$0	0.0%
3200	Municipal Refuse Collection Fees	\$142,000	\$142,000	\$0	0.0%
5000	<u>Miscellaneous Revenues</u>	\$141,200	<u>\$139,700</u>	<u>(\$1,500)</u>	<u>-1.1%</u>
5100	Investment Earnings	\$8,700	\$6,200	(\$2,500)	-28.7%
5200	Rents and Concessions	\$112,400	\$113,400	\$1,000	0.9%
5300	Contributions and Donations	\$20,000	\$20,000	\$0	0.0%
5500	Sale of Property	\$100	\$100	\$0	0.0%
Operating Revenues:		\$1,060,850	<u>\$1,083,825</u>	<u>\$22,975</u>	<u>2.2%</u>
9000	<u>Carryover from Prior Year</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>-</u>
Total Revenues:		\$1,060,850	<u>\$1,083,825</u>	<u>\$22,975</u>	<u>2.2%</u>

NOTE:	Town Reserves	For FY 2008	For FY 2009	% of FY 09 Budget
	Operating Reserve	\$125,000	\$125,000	11.5%

These funds are held in the Town's investment account (Montgomery County Pooled Investment Fund), and may be drawn upon by ordinance only

Self-Insured Medical Insurance Fund:	\$20,000	\$20,000
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These funds are held in an external escrow account and are used to pay full-time employee medical expenses, up to \$5,000/year/employee (the Blue Cross insurance policy deductible). As it has not been necessary to spend the full deductible each year, the surplus has been first used to build a reserve, and then to reduce premium payments. These funds are available for non-medical expenses, if needed, by vote of the Council to transfer some or all to other accounts.

Total Reserves Available:	\$145,000	\$145,000	13.4%
Total Reserves & Contingencies Available in FY 2009:		\$175,000	16.1%

BLUE Unchanged from prior budget
RED (Decrease) in revenue, Increase in expense
Green Increase in revenue, (Decrease) in expense

Account	EXPENDITURE	FY 2009 11/11/2008	FY 2009 Ord. 2008-08	Amount of Change	%
<u>10000</u>	<u>Personnel</u>	<u>\$339,100</u>	<u>\$336,600</u>	<u>(\$2,500)</u>	<u>-0.7%</u>
10100	Salaries	\$233,500	\$233,500	\$0	0.0%
10200	Overtime	\$3,200	\$3,200	\$0	0.0%
10300	Benefits	\$76,000	\$73,500	(\$2,500)	-3.3%
10400	Payroll Taxes, Etc.	\$26,400	\$26,400	\$0	0.0%
<u>11000</u>	<u>Town Administration</u>	<u>\$163,750</u>	<u>\$270,175</u>	<u>\$106,425</u>	<u>65.0%</u>
11100	Elected & Appointed Officials	\$3,000	\$2,700	(\$300)	-10.0%
11200	Elections	\$1,100	\$1,500	\$400	36.4%
11300	Archives & Public Records	\$20,500	\$20,675	\$175	0.9%
11400	General Administrative Expenses	\$19,000	\$19,000	\$0	0.0%
11700	Professional Services	\$108,850	\$215,500	\$106,650	98.0%
11800	Insurance	\$10,300	\$9,800	(\$500)	-4.9%
11900	Town Administration: Other Sponsorships, Subscriptions	\$1,000	\$1,000	\$0	0.0%
<u>12000</u>	<u>& Dues</u>	<u>\$4,550</u>	<u>\$3,700</u>	<u>(\$850)</u>	<u>-18.7%</u>
12100	Membership Dues	\$3,000	\$3,000	\$0	0.0%
12200	Sponsorships	\$1,250	\$500	(\$750)	-60.0%
12300	Subscriptions	\$300	\$200	(\$100)	-33.3%
<u>13000</u>	<u>Buildings & Grounds</u>	<u>\$94,400</u>	<u>\$83,550</u>	<u>(\$10,850)</u>	<u>-11.5%</u>
13100	Penn Place	\$80,100	\$69,400	(\$10,700)	-13.4%
13200	Town Hall	\$13,850	\$13,700	(\$150)	-1.1%
13300	Maintenance Department Building	\$450	\$450	\$0	0.0%
<u>14000</u>	<u>Town Services</u>	<u>\$243,250</u>	<u>\$232,450</u>	<u>(\$10,800)</u>	<u>-4.4%</u>
14100	Roads & Sidewalks	\$68,125	\$61,575	(\$6,550)	-9.6%
14200	Stormwater Drainage Maintenance	\$1,000	\$500	(\$500)	-50.0%
14300	Municipal Refuse Removal	\$142,000	\$142,000	\$0	0.0%
14400	Arboretum*	\$21,600	\$21,600	\$0	0.0%
14500	Fees	\$4,400	\$2,900	(\$1,500)	-34.1%
14600	Parks	\$6,125	\$3,875	(\$2,250)	-36.7%
<u>16000</u>	<u>Equipment Repair & Maintenance</u>	<u>\$12,500</u>	<u>\$14,500</u>	<u>\$2,000</u>	<u>16.0%</u>
<u>17000</u>	<u>Publication Expenses</u>	<u>\$1,000</u>	<u>\$1,250</u>	<u>\$250</u>	
<u>18000</u>	<u>Conferences Conventions Meetings</u>	<u>\$9,000</u>	<u>\$1,100</u>	<u>(\$7,900)</u>	<u>-87.8%</u>

Account	EXPENDITURE	FY 2009 11/11/2008	FY 2009 Ord. 2008-08	Amount of Change	%
<u>19000</u>	<u>Operating Contingency</u>	\$10,000	<u>\$30,000</u>	<u>\$20,000</u>	<u>200.0%</u>
<u>20000</u>	<u>Debt Service</u>	\$60,600	<u>\$60,600</u>	<u>\$0</u>	<u>0.0%</u>
<u>21000</u>	<u>Taxes & Bad Debt**</u>	\$5,700	<u>\$6,050</u>	<u>\$350</u>	<u>6.1%</u>
	Total Operating Expenditures:	\$943,850	\$1,039,975	\$96,125	10.2%
<u>23000</u>	<u>Transfer to Capital</u>	\$60,000	<u>\$43,850</u>	<u>(\$16,150)</u>	<u>-26.9%</u>
<u>25000</u>	<u>Transfer to Operating Reserve</u>	\$57,000	<u>\$0</u>	<u>(\$57,000)</u>	
	Total Expenditures:	\$1,060,850	\$1,083,825	\$22,975	2.2%
	Net to Receipts:	\$0	\$0		

NOTES *Arboretum: \$5,000 in tree planting expense transferred to Capital (See Capital Improvement Plan)
 ** Increase in Taxes & Debt reflects the breaking out of energy taxes on electricity and gas. It does not represent an increased expenditure, as all energy line item estimates are adjusted down to reflect this.

Capital Program

FY 2009

	Prior Years 6/30/08	FY 2009 Ord. 2008-08	Total 01/30/09
CAPITAL PROGRAM	\$36,750	\$43,850	\$75,600
Capital Purchases	\$0	\$4,600	\$4,600
36-Inch Walk-behind Mower (FY09)		\$3,500	\$3,500
Vehicles: Pickup Chipper Box (FY09)		\$1,100	\$1,100
Capital Construction	\$36,750	\$34,250	\$71,000
Cambria Park POS (FY07)	\$16,000	\$0	\$16,000
North Kenilworth Drain Repair (FY08).	\$8,000	\$0	\$8,000
Penn Place Bathrooms (FY09)	\$0	\$3,500	\$3,500
Penn Place Exterior Repairs (FY09)	\$0	\$15,000	\$15,000
Town Hall (CIP, p17) (FY09)		\$3,500	\$3,500
Street Rehabilitation (FY08&FY09)	\$12,750	\$7,250	\$20,000
Yeandle Park Fund (FY09)	\$0	\$5,000	\$5,000
Arboretum - Capital Expense (CIP, p17) (FY09)		\$5,000	\$5,000
Capital Planning	\$0	\$0	\$0
Capital Contingency	\$0	\$0	\$0

Capital Budget

FY 2009

	Prior Years 6/30/08	FY 2009 Ord. 2008-08	Total 01/30/09
<u>23000 - CAPITAL BUDGET</u>	<u>\$36,750</u>	<u>\$43,850</u>	<u>\$75,600</u>
23100 - Capital Purchases	\$0	\$4,600	\$4,600
23200 - Capital Construction	\$36,750	\$34,250	\$71,000
23210 - Construction: Facilities	\$0	\$22,000	\$22,000
23220 - Construction: Streets & Curbs	\$12,750	\$7,250	\$20,000
23230 - Construction: Utilities	\$0	\$0	\$0
23240 - Construction: Sidewalks	\$0	\$0	\$0
23250 - Construction: Storm Drains	\$8,000	\$0	\$8,000
23260 - Construction: Parks & Recreation	\$16,000	\$5,000	\$21,000
23290 - Construction: Other	\$0	\$0	\$0
23300 - Arboretum-Capital Expense		\$5,000	\$5,000
23800 - Capital Planning Expense	\$0	\$0	\$0
23900 - Capital Budget Contingency	\$0	\$0	\$0

EXECUTIVE SESSION FORM

Public Body: **Town Council**

Date: **12 January, 2009**

Attendance: **Councilmembers Irons, Hansen, Mandel, and Wegner, Mayor Keller, Administrator Pratt**

Motion By: **Councilmember Mandel** Second: **Councilmember Wegner** Vote: **4 Aye, 0 Nay**

Place: **Town Hall, 10814 Kenilworth Avenue, Garrett Park, MD** Time: **10:15 PM**

Authority: Annotated Code of Maryland, State Government Article: Section 10-508 (a)

Reasons For Closing Meeting

- ☒ 1. To discuss:
(i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
(ii) any other personnel matter that affects one or more specific individuals.
- ☐ 2. To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
- ☐ 3. To consider the acquisition of real property for a public purpose and matters directly related thereto.
- ☐ 4. To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.
- ☐ 5. To consider the investment of public funds.
- ☐ 6. To consider the marketing of public securities.
- ☐ 7. To consult with counsel to obtain legal advice on a legal matter.
- ☒ 8. To consult with staff, consultants, or other individuals about pending or potential litigation.
- ☐ 9. To conduct collective bargaining negotiations or consider matters that relate to the negotiations.
- ☐ 10. To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
(i) the deployment of fire and police services and staff; and
(ii) the development and implementation of emergency plans.
- ☐ 11. To prepare, administrate, or grade a scholastic, licensing, or qualifying examination.
- ☐ 12. To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- ☐ 13. To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- ☐ 14. Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.